

Representative James A. Dunnigan proposes the following substitute bill:

ELECTION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to elections.

Highlighted Provisions:

This bill:

- ▶ clarifies how to cast a valid absentee ballot; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with H.B. 53, Election Law Amendments, by providing substantive amendments.

Utah Code Sections Affected:

AMENDS:

20A-3-301, as last amended by Laws of Utah 2004, Chapter 195

20A-3-306, as last amended by Laws of Utah 2012, Chapter 309

20A-3-702, as enacted by Laws of Utah 2011, Chapter 291

Utah Code Sections Affected by Coordination Clause:

20A-3-306, as last amended by Laws of Utah 2012, Chapter 309



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-3-301** is amended to read:

20A-3-301. Voting by absentee ballot.

(1) Any person who is registered to vote may vote by absentee ballot.

(2) [~~A~~] Except as provided in Section 20A-3-702, a registered voter may not vote in person if the voter voted by absentee ballot.

Section 2. Section **20A-3-306** is amended to read:

20A-3-306. Voting ballot -- Returning ballot.

(1) (a) To vote a mail-in absentee ballot, the absentee voter shall:

- (i) complete and sign the affidavit on the envelope;
- (ii) mark the votes on the absentee ballot;
- (iii) place the voted absentee ballot in the envelope;
- (iv) securely seal the envelope; and

(v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit the envelope in the mail or deliver it in person to the election officer from whom the ballot was obtained.

(b) To vote an absentee ballot in person at the office of the election officer, the absent voter shall:

- (i) complete and sign the affidavit on the envelope;
- (ii) mark the votes on the absent-voter ballot;
- (iii) place the voted absent-voter ballot in the envelope;
- (iv) securely seal the envelope; and
- (v) give the ballot and envelope to the election officer.

(2) An absentee ballot is not valid unless:

(a) in the case of an absentee ballot that is voted in person~~[, it]~~:

(i) the ballot is applied for and cast in person at the office of the appropriate election officer no later than the Friday before election day; or

(ii) the ballot is submitted at a polling location in the political subdivision where the absentee voter resides;

(b) in the case of an absentee ballot that is returned by mail, the ballot is:

57 (i) clearly postmarked before election day; and
58 (ii) received in the office of the election officer before noon on the day of the official
59 canvass following the election; or

60 ~~[(b)]~~ (c) in the case of a military-overseas ballot, the ballot is submitted in accordance
61 with Section 20A-16-404.

62 (3) An absentee voter may submit a completed absentee ballot at a polling location
63 located in a political subdivision holding the election, if the absentee voter resides in the
64 political subdivision.

65 (4) An absentee voter may submit an incomplete absentee ballot at a polling location
66 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and
67 vote in person.

68 Section 3. Section **20A-3-702** is amended to read:

69 **20A-3-702. Election day voting center -- Hours of operation -- Compliance with**
70 **Election Code.**

71 (1) An election officer may operate an election day voting center in one or more
72 locations designated under Section 20A-3-703.

73 (2) An election officer shall provide for voting at an election day voting center by:

74 (a) regular ballot if:

75 (i) the election day voting center is designated under Section 20A-5-403 as the polling
76 place for the voting precinct in which the voter resides; and

77 (ii) the voter is eligible to vote using a regular ballot in accordance with this title;

78 (b) voting center ballot if:

79 (i) the election day voting center is not designated under Section 20A-5-403 as the
80 polling place for the voting precinct in which the voter resides;

81 (ii) the voter resides within the political subdivision holding the election; and

82 (iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this
83 title; or

84 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in
85 accordance with this title.

86 (3) An election officer shall ensure that an election day voting center:

87 (a) is open on election day during the time period specified under Section 20A-1-302;

- 88 (b) allows an eligible voter to vote if the voter:
- 89 (i) resides within the political subdivision holding an election; and
- 90 (ii) arrives at the election day voting center by the designated closing time in
- 91 accordance with Section 20A-1-302; and
- 92 (c) is administered according to the requirements of this title.
- 93 (4) A person may submit a completed absentee ballot at an election day voting center
- 94 for the political subdivision in which the person resides.
- 95 (5) A person may submit an incomplete absentee ballot at an election day voting center
- 96 for the political subdivision in which the person resides, request that the ballot be declared
- 97 spoiled, and vote in person.

98 Section 4. **Coordinating H.B. 204 with H.B. 53 -- Substantive amendments.**

99 If this H.B. 204 and H.B. 53, Election Law Amendments, both pass and become law, it
100 is the intent of the Legislature that the Office of Legislative Research and General Counsel, in
101 preparing the Utah Code database for publication, modify Subsection 20A-3-306(2) to read as
102 follows:

- 103 "(2) An absentee ballot is not valid unless:
- 104 (a) in the case of an absentee ballot that is voted in person, [it] the ballot:
 - 105 (i) is applied for and cast in person at the office of the appropriate election officer no
 - 106 later than the Friday before election day; or
 - 107 (ii) is submitted on election day at a polling location in the political subdivision where
 - 108 the absentee voter resides;
 - 109 (b) in the case of an absentee ballot that is submitted by mail, the ballot is:
 - 110 (i) clearly postmarked before election day; and
 - 111 (ii) received in the office of the election officer before noon on the day of the official
 - 112 canvass following the election; or
 - 113 ~~(b)~~ (c) in the case of a military-overseas ballot, the ballot is submitted in accordance
 - 114 with Section 20A-16-404." ;